

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	08-cr-722 (CPS) (RER)
	:	
- versus -	:	U.S. Courthouse
	:	Brooklyn, New York
ANALDO SAMUEL,	:	
Defendant	:	January 13, 2009
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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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1 THE CLERK: The Honorable Ramon E. Reyes, Jr.
2 presiding.

3 Criminal Cause for Plea, docket number
4 08-cr-722, United States of America v. Samuel.

5 Counsel for defendant, please state your name
6 for the record.

7 MR. GOLD: For the defendant, Michael Gold.
8 Good morning, your Honor.

9 THE COURT: Good morning.

10 THE CLERK: Counsel for the government, please
11 state your name for the record.

12 MR. SPECTOR: Good morning, your Honor.

13 Daniel Spector for the government. Also
14 standing with me is Michelle Pernivaldi (phonetic), a
15 postal inspector assigned to the case.

16 THE COURT: Good morning. Please be seated.
17 We have a development?

18 MR. GOLD: Yes, your Honor. This matter had
19 been scheduled today for a plea. I've spent several
20 hours with Mr. Samuel on Friday, returned to see him
21 again this morning prior to today's appearance again to
22 review the last minute preparations for the entry of the
23 plea.

24 In essence, your Honor, at this point
25 Mr. Samuel has expressed a thorough and complete distrust

Proceedings

1 in me. He believes that I am working with the government
2 in -- to his detriment, that I am not advancing his best
3 interest. He will not take my advice. He will not
4 listen to it.

5 And it would be my application because of that
6 irrevocable breakdown in the attorney/client relationship
7 that I be relieved and another CJA counsel be assigned.

8 THE COURT: Mr. Spector?

9 MR. SPECTOR: You know, that's certainly a
10 defendant's right. I have actually spoken with the
11 magistrate clericals because Mr. Gold had informed me
12 this might be a possibility and there is CJA counsel here
13 today who is available. I don't know if -- Judge, if you
14 want to formally assign counsel. I can try to raise that
15 person in order --

16 THE COURT: I am -- it's a little unusual. I
17 was asked by Judge Sifton to do the plea because he is
18 unavailable. I think ordinarily he does most, if not all
19 of his own pleas and you know, so we're already in an
20 unusual situation.

21 I have no problem if the decision were up to me
22 to appoint new counsel for Mr. Samuel. I take Mr. Gold's
23 proffer that the attorney/client relationship is broken
24 down and is beyond repair.

25 The problem though with appointing counsel

Proceedings

1 today is that puts Mr. Samuel in a difficult spot to go
2 forward with a plea on short notice where he, I assume,
3 is uncomfortable with the plea agreement --

4 MR. SPECTOR: I --

5 THE COURT: -- and believes that --

6 MR. GOLD: I don't think --

7 THE COURT: Go ahead. Go ahead.

8 MR. GOLD: Judge, I don't think the intention
9 was that this would proceed to a plea today with new
10 counsel. It would just be for ne counsel to come in.

11 THE COURT: All right. Okay. You know, at the
12 risk of stepping on Judge Sifton's toes, I will appoint
13 new counsel for Mr. Samuel.

14 Do we know who is on duty today?

15 MR. SPECTOR: I do. I believe it's Michael --
16 I am just losing his last name, but I have his phone
17 number and I know he's in the building. If we want to
18 take a brief adjournment, I can try to contact him and
19 ask him to come down and then he can be formally
20 appointed.

21 THE COURT: Let's do that. Let us do that.
22 Let us take a brief adjournment, see if we can -- do you
23 know what? Miriam will contact Sumae and Felix and Chris
24 Doug to find out if he can come over and meet with
25 Mr. Samuel.

Proceedings

1 MR. SPECTOR: It's Michael Heuston.

2 THE COURT: Do you know what? If we have
3 Mr. Samuel brought back, Mr. Heuston can come see him
4 downstairs; right?

5 UNIDENTIFIED MALE SPEAKER: That's right.

6 THE COURT: Okay. Let's do that.

7 UNIDENTIFIED MALE SPEAKER: He may be
8 (inaudible) downstairs.

9 THE COURT: Let's do that. I am going to
10 appoint Mr. Heuston to represent Mr. Samuel and before
11 you leave today, if you could go over to the arraignment
12 courtroom and see if you -- do you know Mr. Heuston?

13 MR. GOLD: No, I don't.

14 THE COURT: Ask them to point him out and
15 explain --

16 MR. GOLD: Sure, I will do that.

17 THE COURT: -- the situation and maybe we could
18 -- Mr. Heuston could then come and meet Mr. Samuel
19 downstairs later on since he is in the building.

20 MR. GOLD: Very good.

21 THE COURT: Okay.

22 MR. GOLD: I will look for him.

23 THE COURT: Thank you.

24 MR. SPECTOR: Thank you, your Honor.

25 THE COURT: Okay.

Proceedings

1 MR. GOLD: Thank you, your Honor.

2 THE COURT: All right.

3 MR. SPECTOR: Thank you, Judge.

4 (Matter concluded)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 13th day of January , 2009.


Rosalie Lombardi
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